

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: A04P1009
 Inventor(s): Michael Benser; Ruth Lyons; and
 Eric Falkenberg
 Title: AUGMENTING HYPOVENTILATION

EXPRESS MAIL NO. EV100891645US

Mail Stop Patent Application
 COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, VA 22313-1450

31353 U.S. PTO
 10/765625

Dear Sir:

Submitted herewith for filing are the following documents:

- ☒ 3 page(s) DATA SHEET
☒ 43 page(s) application including 36 pages specification, 6 pages claims, and
1 page abstract
☒ 9 Sheet(s) of Drawings
 Formal xx Informal
☒ Declaration
☒ Assignment
☒ Recordation Form Cover Sheet
☒ Power of Attorney by Assignee...
☒ Nonpublication Request Under 35 USC 122...
☒ Information Disclosure Statement
☒ PTO-1449 and references
☒ Return Postcard

CALCULATION OF FEES						
ITEM		NO. OF CLAIMS FILED		NO. OF ADDITIONAL CLAIMS FILED	LG ENTITY FEE	\$ FEE
A	TOTAL CLAIMS FEE	38	- 20 =	18	X \$18	\$ 324
B	INDEPENDENT CLAIMS FEE**	6	- 3 =	3	X 86	258
C	SUBTOTAL - ADDITIONAL CLAIMS FEE (LINES A + B)					\$ 582
D	MULTIPLE-DEPENDENT CLAIMS FEE LARGE ENTITY FEE = \$270					
E	BASIC FILING FEE*LARGE ENTITY = \$770					770
F	TOTAL FILING FEE** (ADD TOTALS FOR LINES C, D, AND E)					\$1,352*

☒

Charge Deposit Account No. **16-0068**
 the amount of

\$1,352*

**A copy of this letter is
 enclosed.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0068

X Any additional filing fees required under 37 CFR 1.16.

X Any patent application processing fees under 37 CFR 1.17.

X The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0068

X Any patent application processing fees under 37 CFR 1.17.

X Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

Date: 1/26/04



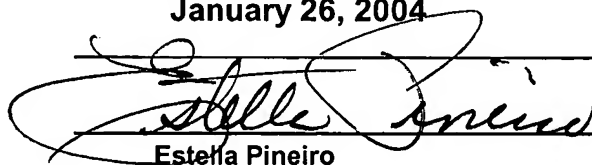
Derrick Reed, Attorney for Applicants
Reg. No. 40,138

Correspondence Address:

PACESETTER, INC.
15900 Valley View Court
Sylmar, CA 91392-9221
818/493-2200
818/362-4795 (fax)

I hereby certify that this New Application is being deposited with the United States Postal Service as "Express Mail" mailing label number EV100891645US in an envelope as "Express Mail Post Office to Addressee" addressed to the:
MAIL STOP PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450, on:

January 26, 2004



Estella Pineiro

1/26/04
Date

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor **Michael Benser**

Title **AUGMENTING HYPOVENTILATION**

Attorney Docket Number **A04P1009**

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

1/26/04

Date



Signature

818/493-2200

Telephone number

Derrick Reed, Reg. No. 40,138

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.